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10 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12 PATRICIA HERBORN,) Case No. 4:11-cv-0013-SBA
13 Plaintiff,)
14 v.) JOINT MOTION AND ORDER
15 MICHAEL J. ASTRUE,) FOR THE AWARD OF ATTORNEY FEES
COMMISSIONER OF)
SOCIAL SECURITY,)
17 Defendant.)
18

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of three thousand and two hundred dollars and no cents (\$3,200.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the ability to honor the assignment will depend on whether the fees and expenses are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is entered, the government will determine whether they are subject to any offset.

1 Fees and expenses shall be made payable to Plaintiff, but if the Department of the Treasury
2 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of
3 fees, expenses and costs to be made directly to Pamela R. Vincent, pursuant to the assignment
4 executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and expenses, and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees, expenses, and costs in connection with this action.

10 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act
11 attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

12 ||| Respectfully submitted,

13 Dated: October 25, 2011
14 /s/ Pamela Vincent
(As authorized via email)
PAMELA VINCENT
Attorney for Plaintiff

16 Dated: October 13, 2011 MELINDA L. HAAG
17 United States Attorney
18 DONNA L. CALVERT
Acting Regional Chief Counsel, Region IX
Social Security Administration

IT IS SO ORDERED:

25 Dated: 10/31/11

Saundra B Armstrong
THE HONORABLE SAUNDRA BROWN ARMSTRONG
United States Judge